



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

*MNR, MND, MNSD, FF*

### **Introduction**

This hearing dealt with an application by the landlord pursuant to section 67 of the *Residential Tenancy Act* for a monetary order for unpaid rent and for the recovery of the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of the claim.

The landlord testified that he served the tenant with the notice of hearing on July 27, 2017, by registered mail, to the address provided by the tenant. The landlord filed a copy of the tracking slip which indicates that the tenant received it.

Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

On September 07, 2017 the landlord amended his application to include an addition to his monetary claim. The landlord stated that he was unaware that he was required to serve the tenant with a copy of the amendment and therefore did not serve the amendment on the tenant. Accordingly the amended portion of the landlord's application is dismissed with leave to reapply.

### **Issues to be decided**

Is the landlord entitled to a monetary order for unpaid rent and the filing fee? Is the landlord entitled to retain the security deposit?

### **Background and Evidence**

The landlord testified that the tenancy started on May 15, 2016 and ended on July 15, 2017. The monthly rent was \$1,420.00 payable on the first of each month. Prior to moving in the tenant paid a security deposit of \$690.00

The landlord stated that the tenant failed to pay rent on July 01, 2017 and on July 16, 2017; the landlord served the tenant with a ten day notice to end tenancy for unpaid rent in the amount of \$1,420.00. The tenant did not dispute the notice, did not pay rent and moved out shortly after he received the notice. The landlord has applied for a monetary order in the amount of \$1,420.00 for unpaid rent plus \$100.00 for the filing fee.

### **Analysis**

Based on the sworn testimony of the landlord and in the absence of evidence to the contrary, I find that the tenant did not pay rent for July 2017 and accordingly the landlord is entitled to \$1,420.00. Since the landlord has proven his case, he is also entitled to the recovery of the filing fee of \$100.00.

Overall the landlord has established a claim of \$1,520.00. I order that the landlord retain the security deposit of \$690.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$830.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the landlord a monetary order of **\$830.00**.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: January 19, 2018

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Residential Tenancy Branch